

105TH CONGRESS  
2D SESSION

# H. R. 3239

To amend the Social Security Act to require health maintenance organizations under the Medicare Program to disclose to enrollees and potential enrollees certain information on the credentials of physicians providing services by or through the organization, the financial status of the organization, and the compensation paid to officers and executives of the organization.

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## IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 12, 1998

Mr. SHAW introduced the following bill; which was referred to the Committee on Ways and Means, and in addition to the Committee on Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

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## A BILL

To amend the Social Security Act to require health maintenance organizations under the Medicare Program to disclose to enrollees and potential enrollees certain information on the credentials of physicians providing services by or through the organization, the financial status of the organization, and the compensation paid to officers and executives of the organization.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2       This Act may be cited as the “Medicare Managed  
3 Health Care Sunshine Act of 1998”.

4 **SEC. 2. PROVIDING MEDICARE MANAGED CARE ENROLL-**  
5 **EES WITH CERTAIN INFORMATION ON**  
6 **HEALTH PLANS.**

7       (a) INFORMATION ON PHYSICIAN CREDENTIALING.—  
8 Section 1852(c)(2) of the Social Security Act (42 U.S.C.  
9 1395w–22(c)(2)) is amended by adding at the end the fol-  
10 lowing new subparagraph:

11               “(E) Descriptive information regarding the  
12 credentials of each physician who is authorized  
13 by the organization to provide services by or  
14 through the organization to enrollees under this  
15 part, including the medical education and train-  
16 ing received by the physician, the physician’s  
17 history of medical practice (whether domestic or  
18 foreign), and the positions held by the physician  
19 at the time of the request.”.

20       (b) CERTAIN FINANCIAL INFORMATION.—Section  
21 1857(d)(4)(A) of such Act (42 U.S.C. 1395w–  
22 27(d)(4)(A)) is amended by adding at the end the follow-  
23 ing new clauses:

24               “(iv) An audited financial statement  
25 of the organization for the most recently

concluded fiscal year that complies with generally accepted accounting principles.

“(v) A statement identifying the salaries, bonuses, and other remuneration paid to the 5 highest-paid officers or executives of the organization, as well as the other benefits provided to such officers or executives.”.

(c) AVAILABILITY OF INFORMATION.—

(1) DISCLOSURE OF AVAILABILITY OF INFORMATION.—Section 1851(d)(3) of such Act (42 U.S.C. 1395w-21(d)(3)) is amended by adding at the end the following new subparagraph:

“(F) AVAILABILITY OF CERTAIN INFORMATION.—A statement as to the availability, upon request, of information on physician credentialing under section 1852(c)(2)(E) and on the financial status of a Medicare+Choice organization under section 1857(d)(4)(C).”.

(2) CONFORMING AMENDMENT TO APPLY FINANCIAL DISCLOSURE TO PROSPECTIVE ENROLLEES.—Section 1857(d)(4)(C) of such Act (42 U.S.C. 1395w-27(d)(4)(C)) is amended by inserting “and prospective enrollees” after “its enrollees”.

1       (d) APPLICATION OF REQUIREMENTS UNDER SEC-  
2       TION 1876 CONTRACTS.—Section 1876(k)(4) of such Act  
3       (42 U.S.C. 1395mm(k)(4)) is amended by adding at the  
4       end the following new subparagraph:

5               “(E) Disclosure of certain information under  
6       sections 1851(d)(3)(F), 1852(c)(2)(E), and  
7       1857(d)(4)(C).”.

8       (e) EFFECTIVE DATE.—The amendments made by  
9       this section apply with respect to contract years beginning  
10      on or after the date that is 6 months after the date of  
11      the enactment of this Act.

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